

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON, AT TACOMA

KEYBANK, N.A.,)	IN ADMIRALTY
)	
Plaintiff,)	No. C06-5415RBL
v.)	
)	STIPULATION AND ORDER
MS. DAVENE, O.N. 589958 her Engines,)	FOR RELEASE OF DEFENDANT
Machinery, Appurtenances, etc., <i>In Rem</i>)	VESSEL FROM ARREST AND
And THOMAS J. KELLEY, <i>In Personam</i> ,)	DISMISSAL
)	
Defendants.)	
_____)	

STIPULATION

COME NOW plaintiff assignee Dungeness Express, Inc., KeyBank and in personam defendant Thomas J. Kelley and stipulate to an order dismissing defendant Vessel MS. DAVENE, O.N. 589958, from arrest pursuant to Admiralty and Maritime Rule E(5)(c) and dismissing in personam claims against defendant Thomas J. Kelley with prejudice.

The plaintiff's note and vessel mortgage has been sold and assigned to Dungeness Express, Inc., pursuant to Facility Purchase Agreement and Assignment of Preferred

Stipulation and Order for
Release of Defendant Vessel
From Arrest and Dismissal

(C06-5415) - 1

Franciscovich & Associates
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Telephone (360) 532-4141
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Mortgage with Key Bank which is dated December 8, 2006.

Pursuant to the above stipulation, the vessel should be released from arrest and the in personam claims against defendant Thomas J. Kelley be dismissed with prejudice.

Dated: December 13, 2006

s/ FRANK M. FRANCISCOVICH
WSBA #12025

s/ WILLIAM D. DE VOE
WSBA #17454

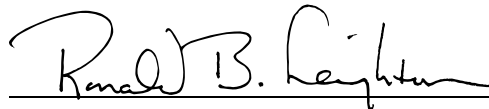
s/ DAVID WOLFENBERGER, President
DUNGENESS EXPRESS, INC.

ORDER

Upon the foregoing stipulation, it is hereby

ORDERED that the U.S. Marshall shall forthwith release from arrest vessel MS. DAVENE, O.N. 589958 and the in personam claims against defendant Thomas J. Kelley are dismissed with prejudice

DATED this 21st day of December, 2006.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

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Presented by:
FRANCISCOVICH & ASSOCIATES

s/ FRANK M. FRANCISCOVICH
WSBA #12025
Attorney for Defendants

Copy Received; Notice of Presentation Waived:
HOLMES, WEDDLE & BARCOTT

s/ WILLIAM D. DE VOE
WSBA #17454
Attorney for Plaintiff

s/ DAVID WOLFENBERGER, President
DUNGENESS EXPRESS, INC.
Assignee

Approved for entry; all fees paid or provided for:

s/United States Marshall
UNITED STATES MARSHALL
Western District of Washington

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